

S/N 10/726,062

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerrard M. Carlson et al.

Examiner: George R. Evanisko

Serial No.: 10/726,062

Group Art Unit: 3762

Filed: December 2, 2003

Docket: 279.317US2

Title: CARDIAC RHYTHM MANAGEMENT SYSTEM USING TIME-DOMAIN  
HEART RATE VARIABILITY INDICIA

**COMMUNICATION CONCERNING RELATED APPLICATIONS**

**MS Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date/Issue Date</u>	<u>Attorney Docket</u>	<u>Title</u>
11/037,308	January 18, 2005	279.805US1	METHOD AND APPARATUS FOR OPTIMIZING ELECTRICAL STIMULATION PARAMETERS USING HEART RATE VARIABILITY
11/037,723	January 18, 2005	279.921US1	METHOD AND APPARATUS FOR USING HEART RATE VARIABILITY TO CONTROL MAXIMUM TRACKING RATE IN PACING THERAPY
11/037,309	January 18, 2005	279.922US1	METHOD AND APPARATUS FOR USING HEART RATE VARIABILITY AS A SAFETY CHECK IN ELECTRICAL THERAPIES

Continuations and divisionals may be later filed on the cases listed above, or cited to the Examiner in any previous Communication Concerning Related Applications. Applicants request that the Examiner review all continuations and divisionals of the above-listed or previously-cited patent applications before allowing the claims of the present patent application.

Respectfully submitted,

GERRARD M. CARLSON ET AL.


**By Applicants' Representatives,**

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

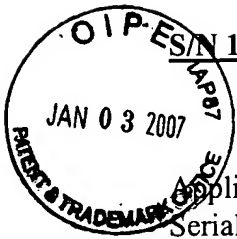
(612) 373-6951

Date December 29, 2006 By   
Suneel Arora  
Reg. No. 42,267

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of December, 2006.

Name \_\_\_\_\_

Signature



ES/N 10/726,062

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Gerrard M. Carlson et al.	Examiner:	George Robert Evanisko
Serial No.:	10/726,062	Group Art Unit:	3762
Filed:	December 02, 2003	Docket:	279.317US2
Title:	CARDIAC RHYTHM MANAGEMENT SYSTEM USING TIME-DOMAIN HEART RATE VARIABILITY INDICIA		

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(c)(2), Applicants hereby authorize the Commissioner to charge the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p), to Deposit Account No. 19-0743. Please charge any additional fees or credit any overpayment to Deposit Account No. 19-0743.

01/04/2007 RFEKADU1 00000016 190743 10726062

01 FC:1606 180.00 DA

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Serial No : 10/726,062

Filing Date: December 02, 2003

Title: CARDIAC RHYTHM MANAGEMENT SYSTEM USING TIME-DOMAIN HEART RATE VARIABILITY INDICIA

Page 2

Dkt: 279.317US2

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications, and Non-Published Applications identifiable by USPTO Serial Number, are no longer required to be provided to the Office. Notification of this change to this effect was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004 and October 19, 2004. Thus, Applicant has not included copies of any US Patents or US Patent Applications identifiable by serial number that may be cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.


Respectfully submitted,

GERRARD M. CARLSON ET AL.

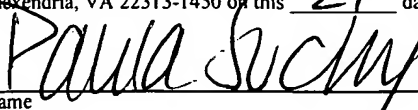
By their Representatives,

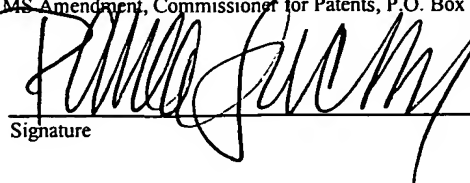
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6951

Date December 29, 2006

By   
Suneel Arora  
Reg. No. 42,267

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of December 2006.

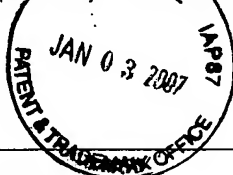
  
Name

  
Signature

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Sheet 1 of 1

Complete if Known

Application Number	10/726,062
Filing Date	December 2, 2003
First Named Inventor	Carlson, Gerrard
Group Art Unit	3762
Examiner Name	Evanisko, George

Attorney Docket No: 279.317US2

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-20020068875A1	06/06/2002	Schroeppel, E. A., et al.	10/15/2001
	US-20060161208A1	07/20/2006	Pastore, J. M., et al.	01/18/2005
	US-20060161209A1	07/20/2006	Pastore, J. M., et al.	01/18/2005
	US-20060161210A1	07/20/2006	Pastore, J. M., et al.	01/18/2005
	US-5,749,900	05/12/1998	Schroeppel, Edward A., et al.	12/11/1995
	US-6,253,107	06/26/2001	Albrecht, Paul, et al.	12/06/1999
	US-6,301,499	10/09/2001	Carlson, Gerrard M., et al.	10/18/1999
	US-6,314,321	11/06/2001	Morris, Milton M.	06/30/1999
	US-6,529,772	03/04/2003	Carlson, Gerrard M., et al.	06/25/2001

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
	WO-2006078519A2	07/27/2006	Pastore, J. M., et al.	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ABILDSTROM, S. Z., et al., "Heart rate versus heart rate variability in risk prediction after myocardial infarction", <u>J Cardiovasc Electrophysiol.</u> , 14(2), (Feb., 2003), 168-73	
		BIGGER, J. T., et al., "Frequency domain measures of heart period variability to assess risk late after myocardial infarction.", <u>J Am Coll Cardiol.</u> , 21(3), (Mar. 1, 1993), 729-36	
		TRAN, THONG, et al., "Accuracy of Ultra-Short Heart Rate Variability Measures", <u>EMBC</u> , (2003), 2424-2427	

**EXAMINER**

**DATE CONSIDERED**